

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA**

JENNIFER D. SCHOLL, an individual;

Plaintiff,

vs.

MARTY ADE d/b/a NCK TOOLS, and  
STEVEN E. ROBBINS, an individual;

Defendants.

**4:18CV3039**

**AMENDED ORDER SETTING  
SCHEDULE FOR FINAL  
PROGRESSION OF CASE**

This matter came before the Court on the Joint Motion to Extend Progression Order Deadlines and Continue Trial ([Filing No. 33](#)). Upon review of the motion, the Court finds good cause to extend case progression deadlines. Accordingly,

**IT IS ORDERED** that the Joint Motion to Extend Progression Order Deadlines and Continue Trial ([Filing No. 33](#)) is granted, and the case progression deadlines are extended as follows:

- 1) The jury trial of this case is set to commence before John M. Gerrard, Chief United States District Judge, in Courtroom 1, United States Courthouse, Lincoln, Nebraska, at **9:00 a.m. on December 16, 2019**, or as soon thereafter as the case may be called, for a duration of four (4) trial days. This case is subject to the prior trial of criminal cases and other civil cases that may be scheduled for trial before this one. Jury selection will be held at the commencement of trial.
- 2) The Pretrial Conference is scheduled before the undersigned magistrate judge on **December 6, 2019**, at **11:00 a.m.**, and will be conducted in chambers. The parties' proposed Pretrial Conference Order, Witness and Exhibit List(s) must be emailed to [nelson@ned.uscourts.gov](mailto:nelson@ned.uscourts.gov), in Word format, by **3:00 p.m. on November 29, 2019**.
- 3) The deadlines for identifying expert witnesses expected to testify at the trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff:  
For the defendants:

**April 1, 2019**  
**June 3, 2019**

- 4) The deadlines to complete expert disclosures<sup>1</sup> for all experts expected to testify at trial, (both retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(B\)](#)), and non-retained experts, ([Fed. R. Civ. P. 26\(a\)\(2\)\(C\)](#)), are:

For the plaintiff:	<b>May 15, 2019</b>
For the defendants:	<b>July 8, 2019</b>
Plaintiff's rebuttal:	<b>July 22, 2019</b>

- 5) The deadline for filing motions to dismiss and motions for summary judgment is **August 15, 2019**.
- 6) The deadline for filing motions to exclude testimony on *Daubert* and related grounds is **August 15, 2019**.
- 7) Motions in limine shall be filed **(7) seven days** before the pretrial conference. It is not the normal practice to hold hearings on motions in limine or to rule on them prior to the first day of trial. Counsel should plan accordingly.
- 8) All requests for changes of deadlines or settings established herein shall be directed to the undersigned magistrate judge, including all requests for changes of trial dates. Such requests will not be considered absent a showing of due diligence in the timely progression of this case and the recent development of circumstances, unanticipated prior to the filing of the motion, which require that additional time be allowed.

Dated this 20<sup>th</sup> day of March, 2019.

BY THE COURT:

s/ Michael D. Nelson  
United States Magistrate Judge

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<sup>1</sup> While treating medical and mental health care providers are generally not considered “specially retained experts,” not all their opinions relate to the care and treatment of a patient. Their opinion testimony is limited to what is stated within their treatment documentation. As to each such expert, any opinions which are not stated within that expert’s treatment records and reports must be separately and timely disclosed.